

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Gordon MacRae

v.

Civil No. 14-cv-45-JL

Richard M. Gerry,  
Warden, New Hampshire  
State Prison

**O R D E R**

Gordon MacRae, serving a sentence in the New Hampshire State Prison, has filed a petition for writ of habeas corpus under [28 U.S.C. § 2254](#), alleging that he is in custody in violation of the United States Constitution. Specifically, MacRae claims that his convictions for felonious sexual assault, returned by a jury in the Cheshire County Superior Court in 1993 and affirmed on direct appeal to the New Hampshire Supreme Court in 1996, were the product of the ineffective assistance of his trial counsel, in violation of MacRae's Sixth Amendment rights. MacRae also claims that he is actually innocent of his crimes of conviction, excusing his acknowledged failure to comply with the one-year statute of limitations under [§ 2254](#). See [McQuiggin v. Perkins](#), [133 S. Ct. 1924 \(2013\)](#).

Having conducted a preliminary review of MacRae's petition under [Rule 4 of the Rules Governing Section 2254 Cases in the United States District Court](#), this court rules that the petition states a claim for relief that is valid on its face, i.e., it does not plainly appear from the petition and its exhibits that MacRae is not entitled to relief. The clerk shall serve the

petition on the respondent, who is directed to answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of [Rule 5 of the Rules Governing Section 2254 Cases](#).

**SO ORDERED.**

  
\_\_\_\_\_  
Joseph N. Laplante  
United States District Judge

Dated: April 16 , 2014

cc: Robert Rosenthal, Esq.  
Cathy J. Green, Esq.